

PRELIMINARY AMENDMENT
Cont. of PCT/GB99/03728

IN THE CLAIMS:

Please amend the claims as follows:

Claim 3. (Amended) A method as claimed in claim 1, wherein said antibacterial agent is used at a concentration of 25 to 150 µg/ml with bacteria present at a concentration of 10^5 to 10^9 bacteria/ml.

Claim 4. (Amended) A method as claimed in claim 1, wherein said bacteria are *Staphylococcus aureus*, *Escherichia coli*, *Haemophilus influenzae*, *Streptococcus pyogenes*, *Streptococcus gordonii* or *Mycobacterium tuberculosis*.

Claim 5. (Amended) A method as claimed in claim 1, wherein said bacteria are *Mycobacterium tuberculosis* and said antibacterial agent is rifampicin.

Claim 6. (Amended) A method as claimed in claim 1, wherein said bacteria are *Escherichia coli* and said antibacterial agent is kanamycin.

Claim 7. (Amended) A method as claimed in claim 1, wherein said bacteria are *Staphylococcus aureus* and said antibacterial agent is ampicillin.

Claim 8. (Amended) A phenotypically antibiotic-resistant subpopulation of stationary phase bacteria, obtainable by a method as defined in claim 1.

Claim 9. (Amended) A process for assessing the antibacterial activity of a test compound or agent or for isolating a compound or agent having antibacterial activity against stationary phase bacteria comprising the steps of:

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(i) preparing a phenotypically antibiotic-resistant subpopulation of stationary phase bacteria according to the method defined in claim 1;

(ii) incubating a sample of said phenotypically resistant subpopulation with one or more test compounds or agents; and

(iii) assessing any antibacterial effects against said phenotypically resistant subpopulation and optionally isolating a compound or agent exhibiting antibacterial activity.

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Claim 11. (Amended) An antibacterial agent identified or prepared according to the process defined in claim 10.

Claim 13. (Amended) A composition comprising an antibacterial agent or chemical compound as defined in claim 12 and a pharmaceutically acceptable excipient or diluent.

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Claim 14. (Amended) A formulation comprising at least one antibacterial agent having activity against actively growing bacteria and at least one antibacterial agent or chemical compound having activity against a phenotypically antibiotic-resistant subpopulation of stationary phase bacteria as defined in claim 13, wherein said formulation is presented as a combined preparation for simultaneous, separate or sequential use in the treatment of a bacterial infection.

Claim 15. (Amended) An antibacterial agent or chemical compound as defined in claim 13 for use in the treatment of a bacterial infection.

new claim
Claim 16. (Amended) Use of an antibacterial agent or chemical compound as defined in claim 13 in the preparation of a medicament for the treatment of a bacterial infection.